

December 30, 2004

California Energy Commission
Dockets Office
Attn: Dockets 04-IEP-01A
1516 Ninth Street, MS-4
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Re: 2005 Energy Report – Transportation energy

To Whom It May Concern:

Please find attached comments by the Environmental Integrity Project regarding the Committee Workshop on Petroleum Infrastructure Environmental Performance Report. If you have any questions regarding these comments, please contact me at (202) 263-4449. Thank you for your assistance.

Sincerely,

Kelly Haragan
Counsel

COMMENTS REGARDING COMMITTEE WORKSHOP ON PETROLEUM INFRASTRUCTURE ENVIRONMENTAL PERFORMANCE REPORT

December 30, 2004

The Environmental Integrity Project (EIP) appreciates the opportunity to submit these comments regarding the scope of proposed work on the Petroleum Infrastructure Environmental Performance Report (PIEPR). EIP is a national nonprofit that works to increase enforcement of federal, state and local environmental laws. EIP has focused on power plants, petrochemical facilities and confined animal feeding operations around the country. While EIP is happy to provide a national perspective on environmental issues surrounding refineries and other petrochemical facilities, EIP believes it is vitally important that the committee obtain feedback from the local communities surrounding California facilities. Many of the people most affected by existing facilities may not be able to attend hearings or spend time drafting written comments, yet their perspective on this process is vital.¹

In addition to any issues that may be identified by local refinery communities, EIP believes the PIEPR should address the following:

- ***The lack of adequate monitoring and reporting of refinery emissions.*** Many of the emissions from refineries are not monitored. Instead, refiners estimate their emissions based on infrequent stack tests and/or on emission factors. As a result, emissions are often underestimated. The results are inaccurate emissions inventories and public information. (See attached reports *Who's Counting* and *Smoke in the Water*.) Despite this, new federal regulations reduce existing monitoring requirements.

A related problem is the lack of public access to data regarding refinery emissions. Communities around refineries often see, hear and smell refinery pollution, yet it is extremely difficult for them to obtain reliable, timely data regarding the emissions. (See attached report *Gaming the System*.²) EIP found particular problems with data access at the Bay Area Air Quality Management District.

Information regarding emissions from regular refinery operations as well as from breakdowns or upsets should be publicly available online. Texas has an excellent database that provides the public with quick access to specific emissions information regarding refinery upsets, startup/shutdown and

¹ The committee should be aware that community members are often not comfortable speaking publicly regarding concerns about local refineries. They may work at the plant, have friends or relatives who work at the plant, or simply fear reprisals. In addition, the committee should actively seek input from community members who are not members of advisory groups, as the members of advisory groups represent only a small portion of the affected community.

² The *Gaming the System* report is in summary form. The full report, with associated spreadsheets, is available at <http://www.environmentalintegrity.org/pub240.cfm>.

maintenance emissions. The website allows the public to search for emissions by facility or by region. (See, <http://www2.tnrc.state.tx.us/air/main/index.cfm?fuseaction=searchForm>) Such information not only provides the public with needed information about the air they breathe, but also provides facilities with an incentive to reduce their emissions.

- ***The cumulative effects of the toxic release from refineries and surrounding industry on neighboring communities.*** Little information is available regarding the cumulative effects of toxic emissions from petrochemical facilities. Before California considers increasing capacity in communities already overburdened by toxic emissions, it should conduct comprehensive studies regarding possible health effects from existing toxic emissions. The tons per year data for “Toxic Hot Spot Act” chemicals that the Committee proposes to collect will be useful. Because toxic emissions have both acute and long-term risks, however, maximum and average emission rate data for these chemicals should also be collected.
- ***The effect of refinery emissions, including emission spikes due to malfunctions or “upsets,” on attainment of the National Ambient Air Quality Standards (NAAQS).*** A number of states have found that spikes in VOC emissions, often due to unreported or underreported leaks, breakdowns or startup/shutdown events, are likely causing exceedances of ozone standards. (See attached reports *Evaluating Refinery VOC Emissions in Delaware, New Jersey and Southeastern Pennsylvania* and *Extensive Regional Atmospheric Hydrocarbon Pollution in the Southwestern United States*. See also Texas studies at http://www.tnrc.state.tx.us/air/aqp/airquality_science.html.) The Committee’s evaluation should, therefore, include analysis of the effects of spikes in emissions, whether due to breakdowns or other causes. An analysis of tons per year data is not likely to provide an adequate basis for determining the extent to which refineries contribute to exceedances of the NAAQS.
- ***The vulnerability of refining facilities to natural and man-made disasters.*** The Committee’s analysis should include review of the refinery “worst case” scenarios. It should also include analysis of which chemicals/processes used at the refineries present the greatest risk and whether alternative chemicals/processes exist for reducing that risk.

The report should also include analysis of what systems are in place for alerting the public when accidents happen at refineries. How does the public know what has happened, what chemicals have potentially been released, and what actions it should take? Are there warning sirens? How does the public know whether it should shelter-in-place or evacuate? Are warnings/announcements available in multiple languages?

In addition, the report should include an analysis of the trends in refinery employment and in refinery maintenance and turnarounds. Adequate staffing and the timely performance of maintenance are necessary to preventing accidents and reducing emissions. Nationwide, the number of refinery employees and the frequency of major refinery maintenance have been declining.

- ***The pollution burden borne by low-income communities and/or communities of color.*** The communities around refineries that bear the extra pollution burden are often low-income and/or communities of color. The Committee should address not only this extra burden, but also the availability of and access to health care in such communities and possible funding mechanisms for buffer zones to protect these communities from some of the risks associate with living near a refinery.

EIP appreciates the opportunity to submit these comments and hopes that the Commission will continue to seek input from the communities most directly affected by pollution from California refineries. We have attached several reports to the comments and are happy to answer any questions regarding the documents or to provide additional follow up information.